

Appl. No. 10/676,277
Amdt. dated January 23, 2008
Reply to Office action of October 23, 2007

REMARKS

This amendment responds to the office action dated October 23, 2007.

The Examiner has indicated that claims 6, 16, and 22 would be allowable if rewritten in independent form. The Examiner rejected claims 1-5, 7-15, and 23 under 35 U.S.C. § 102(e) as being anticipated by Jarman et al., U.S. Pat. Pub. No. 2004/0184670 (hereinafter Jarman). The Examiner rejected the remaining claims under 35 U.S.C. § 103(a) as being obvious over respective combinations, each having Jarman as the primary reference. The effective date of Jarman under 35 U.S.C. § 102(e) is its international filing date of February 19, 2003. Attached is a declaration under 37 C.F.R. § 131 removing Jarman as an available reference. Therefore all claims are distinguished over the cited prior art, and should be allowable.

The Examiner objected to claim 13, stating that a value of a pixel is not a “statistical measure.” The applicant respectfully disagrees with the Examiner. Webster’s Third New International Dictionary provides a definition of a “statistic” as “a single term or datum in a collection of statistics.” Thus, for example, one statistical measure of a football game might be the score (i.e. a single value), while another might be the elapsed time (another value). In the context of claim 13, a pixel in an image may have several statistical measures that are individually “a single term or datum” in a collection of statistics regarding the image as a whole. One statistical measure could be an intensity “value” of the pixel, another could be the standard deviation of that value with respect to the average of all or a subset of pixel values in the image. Thus, a pixel value could certainly be considered a statistical measure of the pixel.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-23.

Respectfully submitted,



Kurt Rohlfs
Reg. No. 54,405
Tel No.: (503) 227-5631